

REMARKS / ARGUMENTS

The present application includes pending claims 1-31, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USP 6,553,100 ("Chen"). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

I. Examiner's Response to Arguments

The Examiner states the following in pages 2-3 of the Office Action:

With respect to claim 1, Applicant argues cited reference fails to teaches claimed limitation "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location."

The examiner respectfully disagrees. Chen et al teaches user is able to directly enter commands using input device 190 into processor 100, commands may include updating a profile (Col.7 lines 45-51). Furthermore, user's configured profile enables him/her to receive alerts at off-premises devices 410,420 and/or 430 (Col. 4 line 57-Col.5 line 25). Therefore, Chen et al meets the claimed limitation automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command. In addition, user is able to receive alerts at off premises devices 410,420 or 430 reads on claim said routing is

performed independently of a user location. Wherein, user receives alerts regardless of his/her location.

Even though Chen, at col. 7, lines 45-51, teaches that a user is able to directly enter commands using input device 190 into processor 100, the Applicant fails to see the relevance of this disclosure in relation to the above cited limitation from Applicant's claim 1. Chen, at col. 7, lines 45-51, simply discloses that the user may enter commands into processor 190 to update the profiles stored in the profile database 174. The fact remains, however, that neither the input device 190 (nor any other device of Chen) is used for purposes of establishing an authorization level of the device from which the alert is received. There is simply no such disclosure at col. 7, lines 45-51 of Chen.

Chen, at col. 4, line 57-col. 5, line 25, simply describes the off-premise devices 410-430 that can be used to alert a user. As previously explained in the July 13, 2009 response, Chen does not automatically route a generated message to any of the off-premises devices 410-430, based on a prior authorization level of the device from which the alert is received. As disclosed in col. 4, lines 51-59, **the intelligent processor 100 transmits an alert to the off-premises devices 410-430 only if there is no user acknowledgement of an alert transmitted to on-premises devices 330-340.** In other words, there is no automatic routing of an alert to the off-premises devices.

In addition, the Examiner alleges that "user is able to receive alerts at off premises devices 410, 420 or 430 reads on claim said routing is performed

independently of a user location.” However, the fact that a user is able to receive alerts routed to off-premises devices 410, 420 or 430 does not necessitate that such routing is performed independently of a user location. In fact, Chen discloses the opposite. More specifically, the intelligent processor 100 transmits an alert to the off-premises devices 410-430 only if there is no user acknowledgement of an alert transmitted to on-premises devices 330-340, and such transmission of the alert to the off-premises devices is performed only after a consultation with the profile database 174 to determine the user location and the off-premises device at which the user may be reached. Therefore, the Applicant maintains that Chen does not disclose at least "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location," as recited in Applicant's claim 1.

REJECTION UNDER 35 U.S.C. § 102

II. Chen Does Not Anticipate Claims 1-31

The Applicant first turns to the rejection of claims 1-31 under 35 U.S.C. § 102(e) as being anticipated by Chen. With regard to the anticipation rejections under § 102, MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art

reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

Without conceding that Chen qualifies as prior art under 35 U.S.C. § 102(e), the Applicant respectfully traverses this rejection as follows.

A. Rejection of Independent Claim 1 under 35 U.S.C. § 102(e)

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Chen does not disclose or suggest at least the limitation of “automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location,” as recited by the Applicant in independent claim 1.

The Office Action states the following:

The claimed "automatically routing said generated message to a location that is remote [410, 420, 430J from said first geographic location (user's home), based on a prior authorization level of the first device established by a user command (i.e. user commands to update profile within processor 100 using input device 190 in order to route alerts to off-premises device 410,420,430), wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location (i.e. user updating profile will route the alert to off-premises device instead of on-premise devices)." (Figures 1 and 2; col. 4, lines 51-67, Col. 5 lines 1-24 and Col. 7 lines 45-51).

See Office Action at page 4. Chen discloses an intelligent alerting system that receives a notification and alerts end-users via one or more devices (on-premises or off-premises devices, based on the user location). Chen's system also includes a processor (100 in FIG. 1) that determines whether any of these devices are active for purposes of communicating the alert. See Chen at col. 1, lines 17-29. Referring to FIGS. 2-3 of Chen, the Applicant points out that the processor 100 uses an alert destination determination device 170, which determines whether or not to transmit the alert to an on-premise or off-premise device. The alert destination determination device 170 may use **profiles** that indicate where the user can be reached by a given device. See *id.* at col. 7, lines 57-65.

More specifically, Chen discloses that the alert destination determination device 170 uses profile database 174 to store one or more user profiles that indicate where and when the end-user may be reached by a given device. See *id.* at col. 7, line 61 – col. 8, line 6. In this regard, **the profile database 174 is set up based on the specific location of the user at any given time (where and when the user can be reached).** Chen does not disclose any routing of a generated message (notification) **based on a prior authorization level of the first device established by a user command.** In fact, **Chen does not disclose any establishing of authorization levels for a given device, or that the notification routing is in any way influenced or based on any user commands.** The Applicant also notes that **Chen's user profile used with regard to device 170 simply stores pre-determined user locations and it has**

nothing to do with setting up authorization levels established by a user command. Furthermore, as explained above, Chen's alert routing is performed based on the location of the user and, therefore, it is not performed independently of a user location, as recited in Applicant's claim 1.

For further clarification, the Examiner is also referred to Applicant's arguments in Section I above.

Therefore, the Applicant maintains that Chen does not disclose or suggest at least the limitation of "automatically routing said generated message to a location that is remote from said first geographic location, based on a prior authorization level of the first device established by a user command, wherein said routing is performed independently of a user location and prior to communicating said generated message to any device within said first geographic location," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Chen and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the reference cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20 and 22-31

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(e) as being anticipated by Chen has been overcome and requests that the rejection be withdrawn. Additionally, claims 1-20, 12-20 and 22-31 depend from independent claims 1, 11 and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-10, 12-20 and 22-31.

In general, the Office Action makes various statements regarding claims 1-31 and the cited references, which statements are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

Application № 10/675,448
Reply to Office Action of September 14, 2009

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-31 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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